



~~April 16, 2002 CPC~~  
~~June 18, 2002 CPC~~  
~~September 17, 2002 CPC~~  
~~October 15, 2002 CPC~~  
November 26, 2002 BS

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

02SN0217

Verizon Wireless

Matoaca Magisterial District  
Northwest quadrant of River and Trents Bridge Road

REQUEST: (AMENDED) Conditional Use Planned Development to permit a temporary communications tower plus setback exceptions in an Agricultural (A) District.

PROPOSED LAND USE:

Antennae for cellular communications and associated improvements are planned. Specifically, installation of a cell on wheels (COW) mobile trailer with a temporary guyed tower is proposed (Proffered Condition 1). The applicant is requesting the approval be granted for one (1) year. (Proffered Condition 4)

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL SUBJECT TO THE CONDITION ON PAGE 2 AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 AND 3.

STAFF RECOMMENDATION

Recommend denial for the following reasons:

- A. This request is not in compliance with the Public Facilities Plan which suggests that communication towers should generally be located away from existing or planned areas of residential development. The request property lies in an area designated by the Southern and Western Area Plan for residential development and is directly adjacent to, and in close proximity of, existing residential development.

- B. The request is not in compliance with the Guidelines for Review of Substantial Accord Determination and/or Zoning Approval for Communication Tower Locations which suggest that if a tower is to be located in the vicinity of residential areas, it should either be architecturally incorporated in the design of an existing structure, such as a church or office building; possess design features that mask the utilitarian nature of the tower; or be located as remotely as possible from existing or planned areas of development or other high visibility areas and on property that is densely wooded with mature trees. A more remote location would be appropriate.

(NOTES: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

#### CONDITION

- (CPC) In conjunction with the granting of this request, the following exceptions shall be granted:
- A. A sixty-six (66) foot exception to the 100 foot front yard setback requirement; and
  - B. A twenty (20) foot exception to the twenty (20) foot corner side yard setback requirement. (P)

#### PROFFERED CONDITIONS

The property owner/applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owner/applicant. In the event this request is denied or approved with conditions not agreed to by the owner/applicant, the proffers shall immediately be null and void and of no further force or effect.

- (CPC) 1. This conditional use shall permit a cellular tower on wheels ("COW") only and the COW and related equipment shall be of the type and in the location as shown on the plans filed with this request entitled "Lake Chesdin C.O.W. Site, 10501 River Road, Matoaca, VA, Chesterfield County", prepared by Clark Nexsen and dated September 13, 2002, revised September 25, 2002. (P)
- (CPC) 2. The tower and equipment shall be designed and installed so as not to interfere with the Chesterfield County Communications System. Upon site plan

review, the owner/developer shall submit information as deemed necessary by the Chesterfield County Communications and Electronics staff to determine if an engineering study should be performed to analyze the possibility of radio frequency interference with the County system, based upon tower location and height, and upon the frequencies and effective radiated power generated by tower-mounted equipment. Prior to release of a building permit, the study if required, shall be submitted to and approved by, the Chesterfield County Communications and Electronics staff. (GS)

(CPC) 3. The developer shall be responsible for correcting any frequency problems which affect the Chesterfield County Communications System caused by this use. Such corrections shall be made immediately upon notification by the Chesterfield County Communications and Electronics staff. (GS)

(CPC) 4. This conditional use shall automatically expire one (1) year from the date of approval by the Board of Supervisors. (P)

(CPC) 5. The trailer shall be off white and the tower shall be sky blue. (P)

(CPC) 6. There shall be no signs permitted to identify this use. (P)

(CPC) 7. Any building or mechanical equipment shall comply with Section 19-595 and 19-570 (b) and (c) of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. (P)

(Staff Note: Section 19-570(b) and (c) would require the screening of mechanical equipment located on the building or ground from adjacent properties and public rights of way. Screening would not be required for the tower or tower-mounted equipment.)

(CPC) 8. The tower shall not be lighted. (P)

(CPC) 9. The COW mobile trailer and equipment shelter shall be enclosed by a minimum six (6) foot high black or green vinyl-clad fence with slats to match and designed to preclude trespassing and to assist in the screening provided in Condition 7. A detailed plan depicting this requirement shall be submitted to the Planning Department for approval in conjunction with final site plan review. (P)

#### GENERAL INFORMATION

##### Location:

Northwest quadrant of the intersection of River and Trents Bridge Roads. Tax ID 754-624-6621 (Sheet 40).

Existing Zoning:

Agricultural (A)

Size:

3.7 acres

Existing Land Use:

A 200 foot tower and associated improvements.

Adjacent Zoning and Land Use:

North - A; Single family residential

South - A, A with Special Exception and R-15; Single family residential

East - A; Single family residential

West - A; Single family residential

UTILITIES

The proposed use will not necessitate a manned facility; therefore, the use of the public water and wastewater systems is not required.

ENVIRONMENTAL

Drainage and Erosion:

If the tower installation and construction of associated improvements disturbs more than 2,500 square feet of land, a land disturbance permit will be required.

PUBLIC FACILITIES

Fire Service and Transportation:

The proposed tower and associated equipment will have a minimal impact on fire/rescue services and the existing transportation network.

COUNTY COMMUNICATIONS

The Zoning Ordinance requires that any structure over eighty (80) feet in height be reviewed by the County's Public Safety Review Team for potential detrimental impacts the structure could have on the County's Radio Communications System microwave paths. This determination must be made prior to locating the tower on the request property.

A preliminary review of this tower proposal has indicated that the facility will not interfere with the County's Communications System; however, if this request is approved, a condition should be imposed to insure that the tower is designed and constructed so as not to interfere with the County's Communications System (Proffered Condition 2). In addition, once the tower is in operation, if interference occurs, the owner/developer should be required to correct any problems. (Proffered Condition 3)

### COUNTY AIRPORT

A preliminary review of this tower proposal has indicated that, given the approximate location and elevation of the proposed installation, it appears the tower will not adversely affect the Chesterfield County Airport.

### LAND USE

#### Comprehensive Plan:

The request property lies within the boundaries of the Southern and Western Area Plan which suggests the property and surrounding area are appropriate for residential use of 1 to 5 acre lots.

The Public Facilities Plan, an element of the Comprehensive Plan, suggests that communications uses should be located in areas so as to minimize impacts on existing and future areas of development and to reduce impacts on adjacent planned or existing residential development in industrial, commercial or remote areas. In addition, the Plan suggests that communications towers should be generally located away from areas of high visibility or otherwise be designed to minimize the visual impact.

#### Area Development Trends:

The request property is located in an area characterized by single family residences located along River Road and in Westfield, Flintshire, Chesdin Park and Trents Farm Subdivisions. It is anticipated that properties in the vicinity of the request site will continue to be developed for residential uses as suggested by the Southern and Western Area Plan.

#### Site Design and Architecture:

A 220 foot tower exists on the request property. The applicant's original application requested approval to extend the existing tower to 285 feet to locate private cellular antenna. The existing tower was constructed in 1957. The tower is a non-conforming use and cannot be expanded or structurally altered without a Conditional Use. The amended application requests approval to locate a cell on wheels (COW) mobile trailer with a temporary guyed tower on the request property for one (1) year. (Proffered Conditions 1 and 4)

It should be noted that the applicant's have filed a new application for a Conditional Use Planned Development seeking approval to locate their antennae on the existing tower. This case is tentatively scheduled for the Commission's consideration in November.

The request property lies within an Emerging Growth Development Area. The Zoning Ordinance specifically addresses access, landscaping, setbacks, parking, signs, buffers, utilities and screening for developments within these areas in order to promote high quality, well-designed projects. Because the request property is zoned Agricultural (A), development would not be required to meet the standards for an Emerging Growth Area, however, the applicant has proffered that architectural treatment of building exteriors and screening of mechanical equipment will be accomplished in accordance with Ordinance requirements. (Proffered Condition 7)

Dwellings within 2,000 feet of the tower are shown on the Attachment. It is important to note that residential structures on this map were placed according to aerial photographs taken in 1994 and therefore may not fully represent all the structures in the area. As such, the request property does not conform to the tower siting criteria. The County guidelines suggest that towers should be located as remotely as possible from existing or planned areas of development or other high visibility areas. Typically, such placement would be in the vicinity of stream beds or Resource Protection Areas (RPA) that generally define the edge of future residential developments. These wooded areas provide appropriate separation and screening from future residential neighborhoods.

Traditionally, permitted tower heights are restricted in residential areas to approximately 199 feet because the FAA normally does not require lighting at that height. The amended application no longer includes a request for a height exception because the temporary tower is proposed at a height of approximately 128 feet. As previously stated, the FAA normally does not require towers to be lighted which are restricted to below 200 feet in height. The applicant has proffered that the proposed temporary tower will not be lighted. (Proffered Condition 8)

Where towers are allowed in residential areas, provision of adequate buffers consisting of mature vegetation has been required. The guidelines suggest that towers should be located away from existing or planned areas of residential development and high visibility areas such as major roads and that the view of the towers from these areas should be minimized. The criteria suggests that wooded areas provide appropriate separation and screening from future residential neighborhoods. In this case, the request site lacks sufficient vegetation or topographical features to provide screening or mitigate views of the tower from these identified resources. In fact, the proposed tower is located so close to existing roadways and adjacent residential development, exceptions are requested to minimum setback requirements from River and Trents Bridge Roads to accommodate the guy wires for the temporary tower (Condition). A more remote location would be appropriate.

Access to the tower site would be provided via an existing gravel drive from River Road. Consistent with past actions on similar facilities, the applicant has proffered that the base of

the tower will be secured with a fence to discourage trespassing (Proffered Condition 9). In addition, the applicant has proffered that the fence will be a minimum six (6) foot high black or green vinyl-clad fence with slats to match to assist with screening as required by the Ordinance and Proffered Condition 7. (Proffered Condition 9)

Consistent with past actions on other tower requests, the applicant has proffered that no signs will be permitted to identify this use. (Proffered Condition 6)

The Tower Siting Guidelines suggest towers should be gray or another neutral color, acceptable to the Planning Department. The applicant has proffered that the cell on wheels (COW) mobile trailer will be white and the temporary guyed tower will be sky blue (Proffered Condition 5). The proposed color scheme does not meet the Tower Siting Guidelines.

#### Buffers and Screening:

The request property is located within an area designated by the Plan for future residential development. The siting criteria suggests that the tower should be located as remotely as possible from existing and/or planned residential development. The siting criteria provides that typically such tower placement should be located in a wooded area in the vicinity of stream beds or Resource Protection Areas (RPA) because these wooded areas can offer adequate buffers that will mitigate the view of the tower from high visibility areas. Typically, a minimum 100 foot buffer of mature trees has been required to be maintained around the tower site. The screening proposed to meet the minimum Ordinance requirements for screening of mechanical equipment will not mitigate views of the tower as are recommended by the Plan and Tower Siting Guidelines.

#### CONCLUSIONS

The proposal fails to conform to the Public Facilities Plan and the Guidelines for Zoning Approval of Communications Tower Locations.

The request property lies within the boundaries of the Southern and Western Area Plan which suggests that the property and surrounding area are appropriate for residential development with 1 to 5 acre lots, suited for R-88 zoning. The area surrounding the property has experienced a significant amount of residential development. It is anticipated that this development pattern will continue in accordance with the adopted Plan. The Public Facilities Plan suggests that towers be located in areas designated on the adopted Plan for general commercial, general industrial and agricultural/forestal use. Specifically, the Plan provides that towers should generally be located away from existing or planned areas of residential, recreational and similar types of development.

The Public Facilities Plan and the Guidelines for Review of Tower Locations indicate that views of towers from existing or planned areas of residential development should be minimized. If located in a high visibility area, the tower should be architecturally incorporated in the design of an existing structure, such as a church or office building, or possess design features that mask the utilitarian

nature of the tower. Otherwise, the tower should be located as remotely as possible from existing or planned areas of development or other high visibility areas and on property that is densely wooded with mature trees. The proposed temporary tower will be located approximately 120 feet from both River and Trents Bridge Roads. There are a significant number of dwellings in proximity of the proposed tower.

Given these considerations, denial of the request is recommended.

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## CASE HISTORY

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### Planning Commission Meeting (4/16/02):

At the request of the applicant, the Commission deferred this case to June 18, 2002.

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### Staff (4/17/02):

The applicant was advised in writing that any new or revised information should be submitted no later than April 22, 2002, for consideration at the Commission's June 18, 2002, public hearing. Also, the applicant was advised that a \$150.00 deferral fee must be paid prior to the Commission's hearing.

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### Applicant and Staff (4/30/02):

The applicant met with staff to discuss the possibility of co-locating their antenna on an existing County-owned tower.

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### Applicant (5/3/02):

The deferral fee was paid.

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### Applicant, Staff and Matoaca District Commissioner (5/14/02):

The applicant met with staff and the Matoaca District Commissioner to discuss issues related to co-locating the applicant's antenna on an existing County-owned tower.

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### Staff (5/24/02):

To date, no new information has been received.



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Planning Commission Meeting (6/18/02):

At the request of the applicant, the Commission deferred this case to September 17, 2002.

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Staff (6/19/02):

The applicant was advised in writing that any significant new or revised information should be submitted no later than July 15, 2002, for consideration at the September 17, 2002, public hearing. Also, the applicant was advised that a \$150.00 deferral fee must be paid prior to the Commission's September public hearing.

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Staff (8/19/02):

To date, no new or revised information has been received nor has the deferral fee been paid.

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Applicant (9/16/02):

The deferral fee was paid.

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Applicant (9/16/02):

The application was amended to withdraw the request for a Conditional Use to permit extension of an existing tower on the property and to seek approval for a cell on wheels (COW). Proffered Conditions and a revised site sketch and elevations were submitted.

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Planning Commission Meeting (9/17/02):

The Commission acknowledged withdrawal of a companion substantial accord case (02PD0246). At the request of the applicant, the Commission deferred this case to October 15, 2002.

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Staff (9/18/02):

The applicant was advised in writing that any new or revised information should be submitted no later than September 23, 2002, for consideration at the October 15, 2002, public hearing. Also, the applicant was advised that a \$240.00 deferral fee must be paid prior to the Commission's October public hearing.

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Applicant (9/26/02):

Revisions as discussed herein were submitted.

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Planning Commission Meeting (10/15/02):

The applicant did not accept staff's recommendation, but did accept the Commission's recommendation.

No one spoke in support of, or in opposition to, the request.

Mr. Stack stated that while he recognized the request site did not meet the current County policy for tower siting, cellular coverage in the area is inadequate. He added that since the request included a provision that the approval would expire in one (1) year, he was supportive of the request as a short-term solution and suggested that in the interim the County's tower policy be reviewed relative to the appropriate location of towers in the Matoaca District to assist in the location of a suitable site to serve cellular needs in the area.

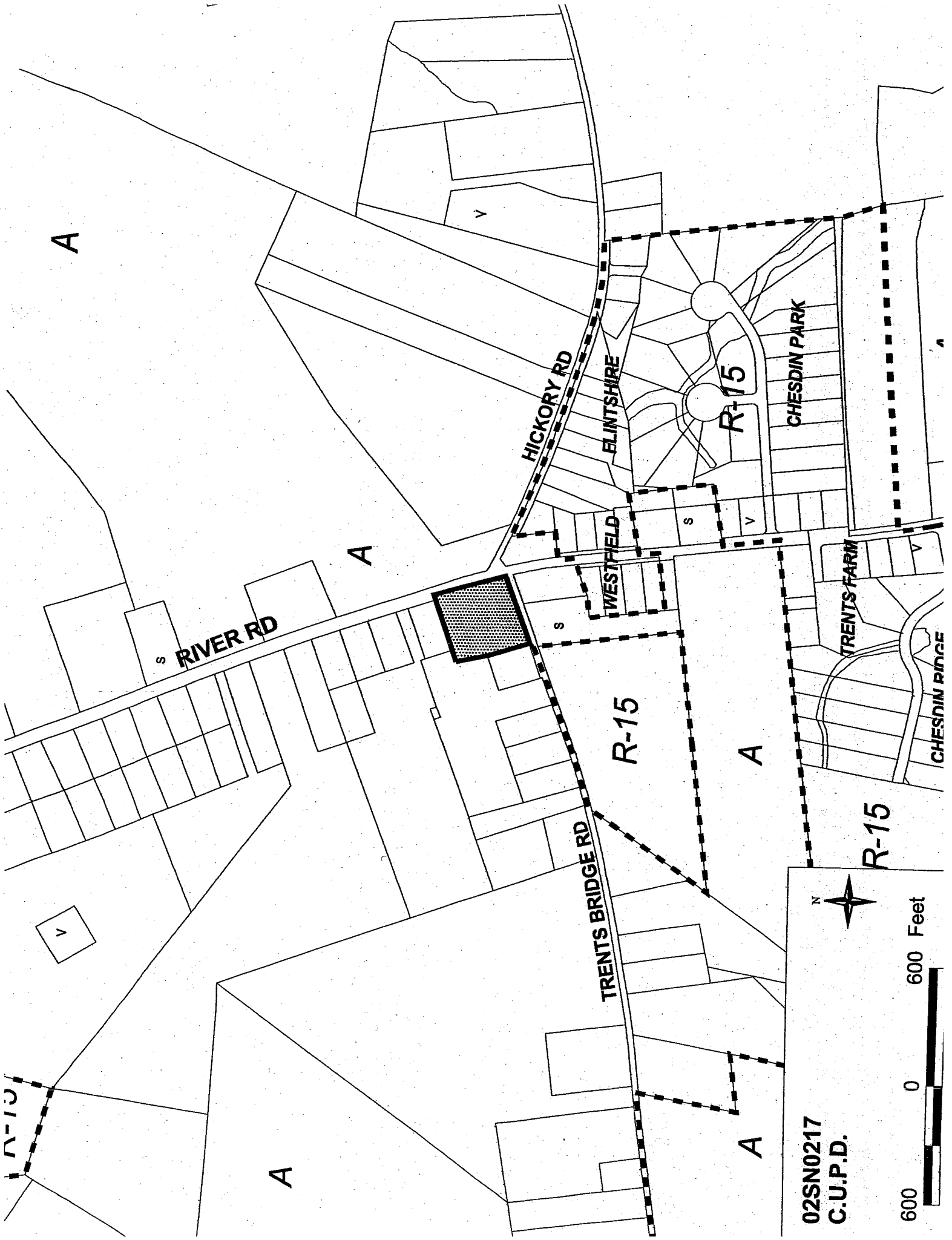
Messrs. Gulley and Cunningham indicated that they did not feel they could support a request for a permanent tower at this location.

On motion of Mr. Stack, seconded by Mr. Gulley, the Commission recommended approval of this request subject to the Condition on page 2 and acceptance of the proffered conditions on pages 2 and 3.

AYES: Unanimous.

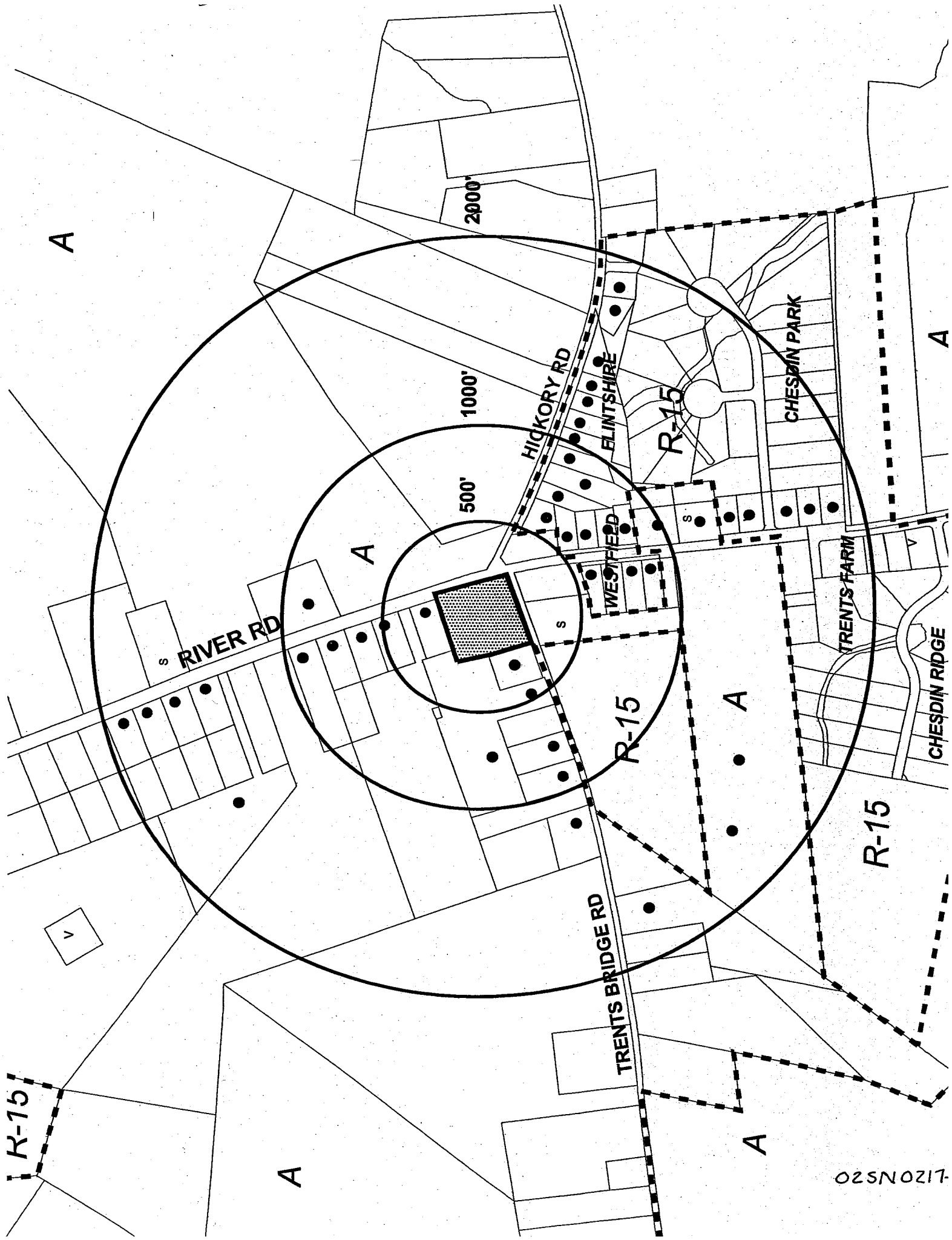
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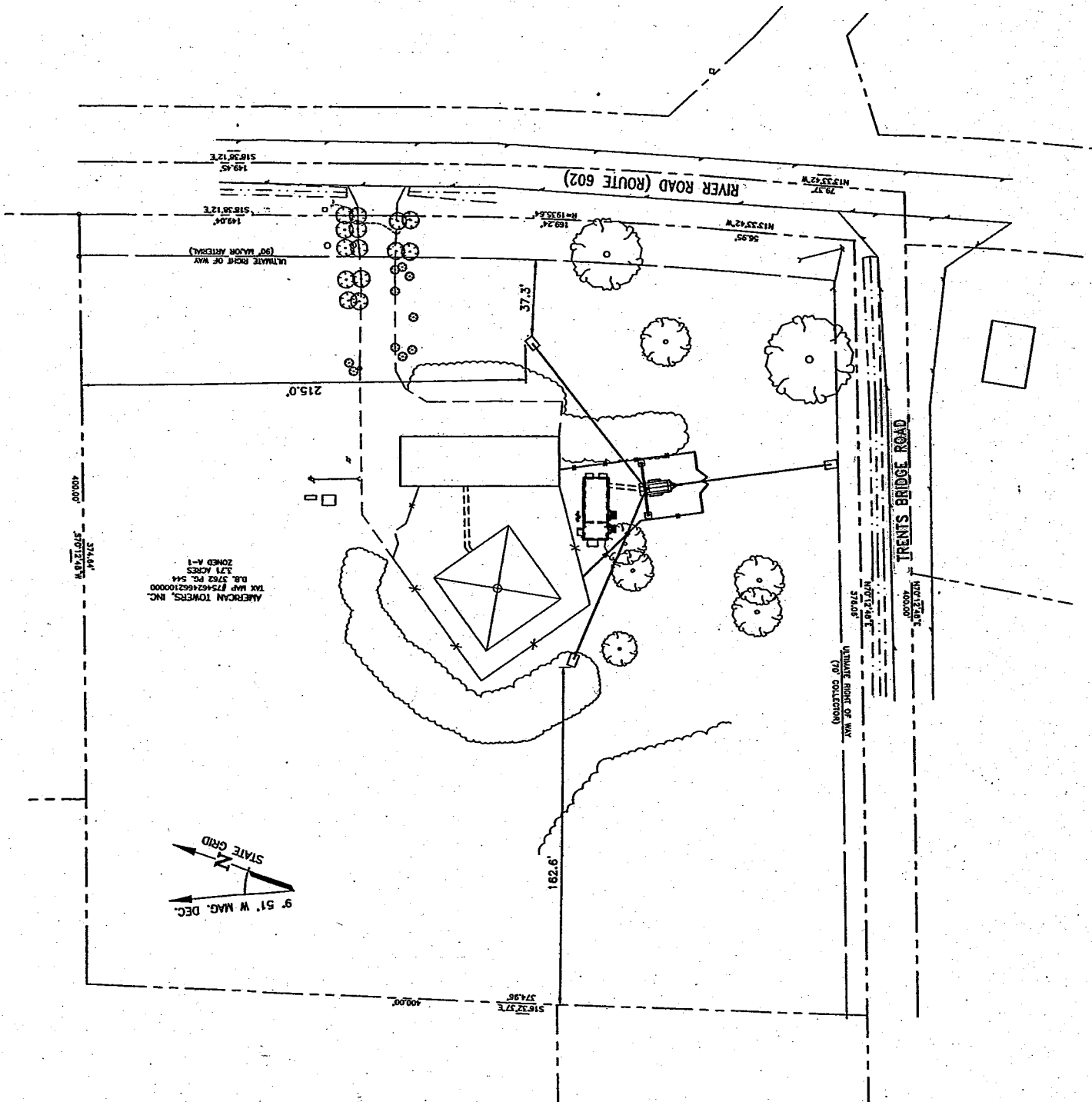
The Board of Supervisors, on Wednesday, November 26, 2002, beginning at 7:00 p.m., will take under consideration this request.

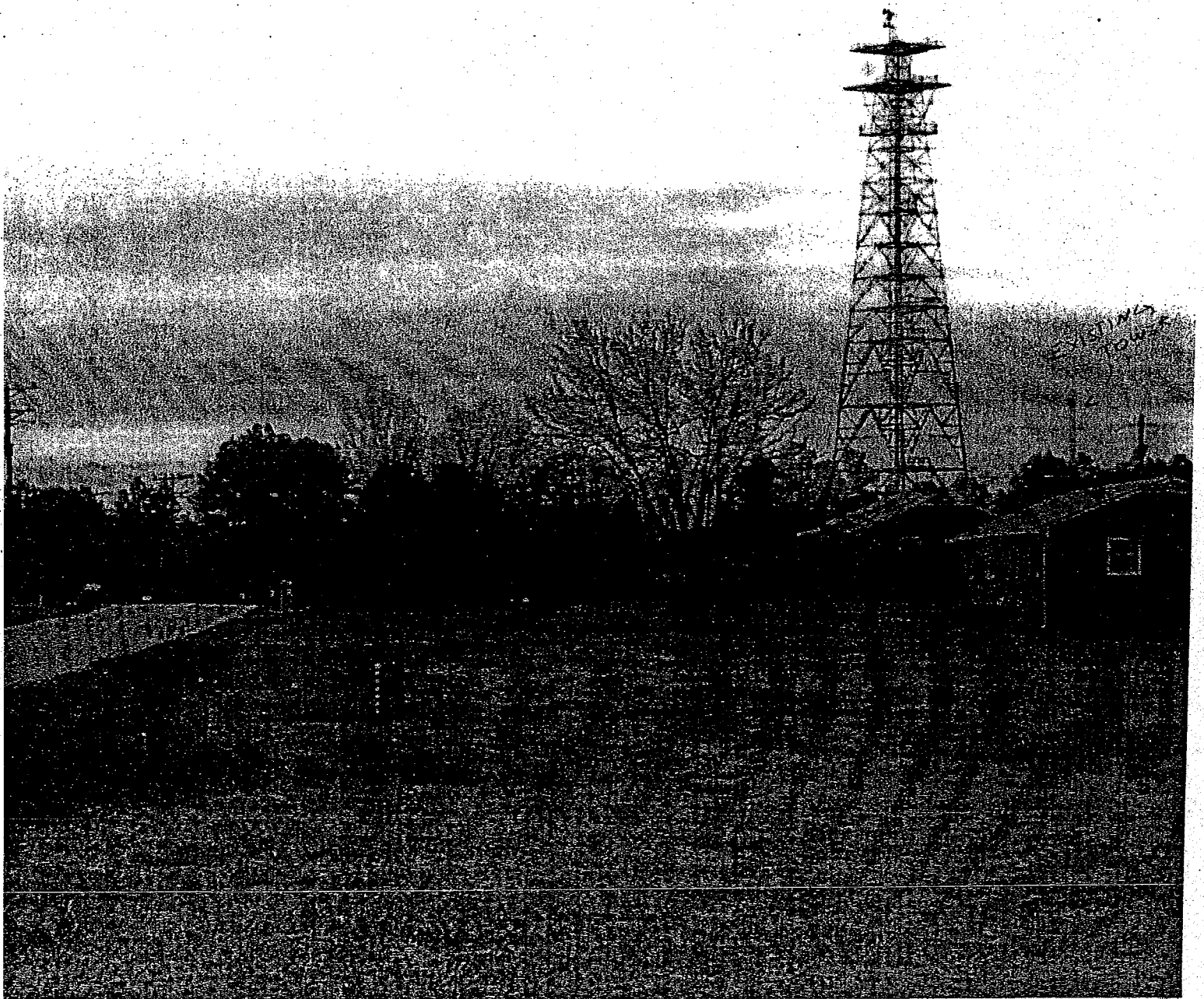


02SN0217  
C.U.P.D.









CURRENT

02SNOZ17-3

NEW VERIZON WIRELESS  
85' TOWER EXTENSION.

TEMPORARY  
VERIZON WIRELESS  
GUYED CELL ON WHEELS  
EXTENDABLE TO 114' ±

EXISTING  
TOWER

**verizon**wireless

LAKE CHESDIN  
VIEW IS LOOKING SOUTHWEST  
TOWARDS SITE FROM  
ROUTE 602-RIVER ROAD

**CLARK • NEXSEN**  
Architecture & Engineering

PROPOSED

025N0217-4